THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.27101 of 2006

Date: 29.12.2006

Between:

1. Kotla Apparao, s/o Venkata Ramaiah,
   aged 55 years, r/o D.No.3-2-1/1,
   Kothibomma Road, Subbaraopeta,
   Tadepalligudem, West Godavari District
   and 8 others.

... Petitioners.

And

The Commissioner,
Tadepalligudem Municipality,
Tadepalligudem, West Godavari District.

... Respondent.

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ORDER:

Heard Sri V.S.N.Sarma, learned counsel representing the writ petitioners and Sri S.Nageswara Reddy, learned Standing Counsel representing the respondent-municipality. The matter is coming up for admission today.

2. The writ petition is filed for a writ of Mandamus directing the

respondent to follow the guidelines issued by the Division Bench of this Court dated 03.2.1998 made in W.P.No.20884 of 1997 and batch and further direct the respondent to follow due process of law before ordering demolition of buildings of the petitioners bearing Municipal Door Nos.3-2-1/1, 3-11-48, 3-2-3/1, 3-2-5/1, 3-2-5/2, 3-33-12/2, 3-2-14, 3-2-6/A, 3-3-7/1 and 3-15-8 respectively, situated at Kothibomma Road, Subbaraopeta, Tadepalligudem, West Godavari District for the purpose of road widening and pass such other suitable orders.

3. It is stated that the respondent had given a notice to the building owners on 4.12.2006. It is stated that the municipality conducted a survey and had given markings to the buildings of the petitioners on 20.12.2006. The order made by the learned Division Bench of this court in W.P.No.20884 of 1997 and batch dated 03.2.1998 also had been referred to. Several factual details are narrated in paragraphs 2 to 5 of the affidavit filed in support of the writ petition.

4. In the light of the facts and circumstances explained, it is needless to say that the respondent is bound to follow due process of law before taking up any further demolition activity.

5. In view of the same, the writ petition is disposed of directing the respondent not to resort to any further demolition activity unless and until due process of law is followed.

6. The writ petition is disposed of accordingly. No order as to costs.

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(P.S.NARAYANA, J.)

Date: December 29, 2006.

Note:
Issue C.C. by two days.

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BSB